

REMARKS

This is responsive to the final Office Action mailed February 21, 2008. Claims 1-26 and 40-47 are pending. Reconsideration and allowance are requested for at least the following reasons.

35 U.S.C. § 102 Rejections

Claims 1-12, 14-26, 40-45, and 47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Baker et al., U.S. Patent No. 6,149,620. Applicant respectfully disagrees with the rejection.

Claims 1-12 and 14-17

Claim 1 recites, in part, an electrode tip having a portion extending distally beyond the distal end of the shaft comprising a cone shaped portion.

The Action identifies the inorganic sealing material 580 disclosed by Baker as an electrode tip having a cone shaped portion. This characterization of Baker is respectfully traversed. Baker discloses that the inorganic sealing material 580 is a support matrix that is used to bond electrode terminals 504 to a tissue treatment surface 512. Baker, col. 30, ll. 47-56; Fig. 27A. The inorganic sealing material 580 is selected to provide effective electrical insulation. *Id.*

Since the inorganic sealing material 580 is not part of the electrodes and acts as an insulator, Baker fails to disclose an electrode tip having a portion extending distally beyond the distal end of the shaft comprising a cone shaped portion, as required by claim 1. Reconsideration and allowance of claim 1, as well as claims 2-12, 14-17, and 40-45 that depend therefrom, are therefore requested.

Claims 18-20

Claim 18 recites, in part, an electrode tip having a portion extending distally beyond the distal end of the shaft, the portion comprising an enlarged end portion comprising a cone shaped portion. For at least reasons similar to those provided above, Baker fails to disclose or suggest such a cone shaped portion. Reconsideration and allowance of claim 18, as well as claims 19 and 20 that depend therefrom, are therefore requested.

Claims 21 and 22

Claim 21 recites, in part, an electrode tip, at least a portion of the electrode tip extending distally beyond the distal end of the shaft comprising an enlarged end portion comprising a cone shaped portion. For at least reasons similar to those provided above, Baker fails to disclose or suggest such a cone shaped portion. Reconsideration and allowance of claim 21, as well as claim 22 that depends therefrom, are therefore requested.

Claims 23 and 24

Claim 23 recites, in part, an electrode tip, at least a portion of the electrode tip extending distally beyond the distal end of the shaft comprising an enlarged end portion comprising a cone shaped portion. For at least reasons similar to those provided above, Baker fails to disclose or suggest such a cone shaped portion. Reconsideration and allowance of claim 23, as well as claim 24 that depends therefrom, are therefore requested.

Claims 25 and 26

Claim 25 recites, in part, an electrode tip comprising a cone shaped portion. For at least reasons similar to those provided above, Baker fails to disclose or suggest such a cone shaped portion. Reconsideration and allowance of claim 25, as well as claim 26 that depends therefrom, are therefore requested.

Claim 47

Claim 47 recites, in part, a tip portion comprising a cone shaped distal end provided by an electrode. For at least reasons similar to those provided above, Baker fails to disclose or suggest such a cone shaped distal end. Reconsideration and allowance of claim 47 are therefore requested.

35 U.S.C. § 103 Rejections

Claims 13 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker. Applicant respectfully disagrees with the rejection. Claims 13 and 46 depend from claim

1. As described above, Baker fails to disclose or suggest all of the limitations of claim 1. Claims 13 and 46 are therefore allowable for at least the same reasons as claim 1. Reconsideration and allowance are requested.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. The Examiner is invited to telephone the undersigned at the below-listed number in order to facilitate advancement of the prosecution of this application.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: April 21, 2008

/Robert A. Kalinsky/
Name: Robert A. Kalinsky
Reg. No.: 50,471